

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SYLVESTER OWINO and §
JONATHAN GOMEZ, on behalf §
of themselves and all §
others similarly situated, §

Plaintiffs, §

vs. §

CASE NO. 3:17-CV-01112
-JLS-NLS

CORECIVIC, INC., §

Defendant §

CORECIVIC, INC., §

Counter-Claimant, §

vs. §

SYLVESTER OWINO and §
JONATHAN GOMEZ, on behalf §
of themselves and all §
others similarly situated, §

Counter-Defendants. §

ORAL VIDEOTAPED DEPOSITION OF
WARDEN ROBERT LACY, JR.
March 13, 2019

Reported by:
Michelle Hartman
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1 ORAL VIDEOTAPED DEPOSITION OF WARDEN ROBERT
2 LACY, JR., produced as a witness at the instance of
3 the Plaintiff and duly sworn, was taken in the
4 above-styled and numbered cause on the 13th day of
5 March, 2019, from 9:13 a.m. to 4:45 p.m., before
6 Michelle Hartman, Certified Shorthand Reporter in and
7 for the State of Texas and Registered Professional
8 Reporter, reported by computerized stenotype machine
9 at the offices of Foley & Lardner, LLP, 1000
10 Louisiana Street, Suite 2000, Houston, Texas 77002,
11 pursuant to the Federal Rules of Civil Procedure and
12 the provisions stated on the record or attached
13 hereto.

APPEARANCES

FOR THE PLAINTIFFS:

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and

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FOR THE DEFENDANTS:

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ALSO PRESENT:

Ms. Brandi Pate, videographer

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1 A. Okay.

2 Q. You see it says, "We are in the high
3 moderate offense category, "right?"

4 A. Okay.

5 Q. And C is disciplinary segregation.
6 That is a type of sanction?

7 A. Correct.

8 Q. What is disciplinary segregation?

9 A. Disciplinary segregation is when one
10 receives a disciplinary and they go and they receive
11 their -- part of their punishment is to spend days
12 into disciplinary segregation, which is isolating
13 them from the general population.

14 Q. Is it a physically different place?

15 A. Yes.

16 Q. Okay. And will they -- when it is
17 segregation, are they alone in the new place they
18 are --

19 A. They are a single cell.

20 Q. Single cell?

21 A. Yeah.

22 Q. Okay. If you could turn to 22096.

23 A. 22096?

24 Q. Yes.

25 A. Okay, I'm there.

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1 in R and D.

2 Q. Okay.

3 A. Because the process is they request
4 that through the unit supervisor. That may be as
5 they get to the unit they get those details. They
6 can read in the handbook the process and it tells
7 them that in the handbook.

8 Q. Okay. Do you know if they sign
9 anything with regard to the voluntary work program
10 at --

11 A. Only I remember if they participate in
12 it.

13 Q. Okay.

14 A. If they participate in it. If they
15 don't participate in it, they're not interested,
16 there's -- there's no need.

17 Q. Okay.

18 A. It's strictly voluntary.

19 Q. Okay. Has there ever been the case at
20 the Houston Processing Center where you've not had
21 enough participants in the voluntary work program?

22 MR. LEE: Form and foundation.

23 THE WITNESS: Not since I've been
24 there.

25 Q. (BY MS. RIDLEY) Okay. If there is a

1 certain job that is not a voluntary work program
2 where there isn't enough participants, what does the
3 center do to get that work done?

4 MR. LEE: Form.

5 THE WITNESS: I never had that
6 problem. And staff would do it.

7 Q. (BY MS. RIDLEY) That's the -- the staff
8 of CoreCivic?

9 A. Yeah. When you -- when you look at the
10 jobs that I have, it is not many at all. I don't
11 have a lot of workforce where I count on the
12 detaining population to get it done.

13 Q. Okay. As you sit here, which are the
14 jobs that you count on the detainee work force to get
15 the work done? Is that one of your --

16 A. That was the list.

17 Q. Okay.

18 A. And then as you can see, I can read
19 them all off if you would like.

20 Q. Just tell me which document -- is that
21 the Work Program Plan Guidelines?

22 A. Yes.

23 Q. That's what we marked as Exhibit 99,
24 correct?

25 A. Yes.

1 I declare under penalty of perjury
2 under the laws that the foregoing is
3 true and correct.

4
5 Executed on _____, 20____,
6 at _____, _____.

7
8
9
10
11 _____
12 WITNESS SIGNATURE
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1 STATE OF TEXAS
2 COUNTY OF HARRIS

3 REPORTER'S CERTIFICATE
4 ORAL VIDEOTAPED DEPOSITION OF
5 WARDEN ROBERT LACY, JR.

6 March 13, 2019

7 I, Michelle Hartman, the undersigned
8 Certified Shorthand Reporter in and for the State of
9 Texas and Registered Professional Reporter, certify
10 that the facts stated in the foregoing pages are true
11 and correct.

12 I further certify that I am neither
13 attorney or counsel for, related to, nor employed by
14 any parties to the action in which this testimony is
15 taken and, further, that I am not a relative or
16 employee of any counsel employed by the parties
17 hereto or financially interested in the action.

18 That the deposition transcript was duly
19 submitted on _____ to the witness or to
20 the attorney for the witness for examination,
21 signature, and returned to me by _____.

22 SUBSCRIBED AND SWORN TO under my hand and
23 seal of office on this 27th day of March, 2019.

24 

25 Michelle Hartman, CSR, RPR
Texas CSR 7093
Expiration: 12/31/19
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and
(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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